

Notice of Allowability

Application No.

10/071,534

Examiner

Charles A. Marmor, II

Applicant(s)

BARTON ET AL.

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to to the Amendment filed 10 May 2004.
2. ☒ The allowed claim(s) is/are 1-12 and 16-26 (renumbered claims 1-23).
3. ☒ The drawings filed on 08 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

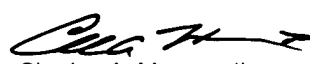
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Charles A. Marmor, II
Primary Examiner
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DETAILED ACTION

1. This Office Action is responsive to the Amendment filed May 10, 2004. The Examiner acknowledges the amendments to claims 1 and 10; the cancellation of claims 13-15; and the addition of new claims 16-26. Claims 1-12 and 16-26 are pending.

Allowable Subject Matter

2. Claims 1-12 and 16-26 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-12, no prior art of record teach or fairly suggest a skin patch including a telesensor for sensing a physiological parameter and for emitting a signal indicative of the physiological parameter that is sandwiched between first and second water vapor permeable layers, where a face of the first water vapor permeable layer, opposite the face contacting the telesensor, has a coating of skin-compatible adhesive material.

Regarding claims 16-20, no prior art of record teach or fairly suggest a skin patch including a telesensor for sensing a physiological parameter and for emitting a signal indicative of the physiological parameter that is attached to a perforated flexible circuit substrate and covered by a layer of material having a moisture vapor transmission rate of at least 425 g/m² per 24 hours, where a face of the perforated flexible circuit substrate, opposite the face attached to the telesensor, has a coating of skin-compatible adhesive material.

Regarding claims 21-26, no prior art of record teach or fairly suggest a skin patch

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including a telesensor for sensing a physiological parameter and for emitting a signal indicative of the physiological parameter attached to a perforated flexible circuit substrate that is sandwiched between first and second water vapor permeable layers, where a face of the first water vapor permeable layer, opposite a face confronting the perforated flexible circuit substrate that has the telesensor attached to an opposite side thereof, has a coating of skin-compatible adhesive material.

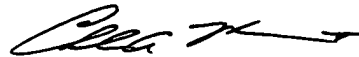
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Marmor, II whose telephone number is (703) 305-3521. The examiner can normally be reached on M-TH (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (703) 308-3130. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles A. Marmor, II
Primary Examiner
Art Unit 3736

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August 5, 2004